

BOARD OF COUNTY COMMISSIONERS
Agenda Item Summary

Meeting Date April 16, 2003

Division **County Attorney**

AGENDA ITEM WORDING

Request for approval of Agreement for Services of the Property Appraiser in levying and collecting residential solid waste non-ad valorem assessments within the City of Marathon.

ITEM BACKGROUND

Necessary for the Board to renew the levy of non-ad valorem assessments with Marathon.

PREVIOUS RELEVANT BOCC ACTION

Approved resolution stating BOCC's intent to levy non-ad valorem assessments for residential solid waste in Marathon at the December 2, 2002 meeting.

CONTRACT/AGREEMENT CHANGES

N/A

STAFF RECOMMENDATIONS

Approval.

TOTAL COST

BUDGETED Yes No

COST TO COUNTY
In-house staff time.

SOURCE OF FUNDS

APPROVED BY: County Attorney ☒ OMB/Purchasing ☐ Risk Management ☐

DIVISION DIRECTOR APPROVAL:


J. R. COLLINS

DOCUMENTATION:

Included ☐

To Follow ☐

Not Required ☐

AGENDA ITEM # 135

**AGREEMENT FOR SERVICES OF THE PROPERTY APPRAISER IN LEVYING AND
COLLECTING RESIDENTIAL SOLID WASTE NON-AD VALOREM ASSESSMENTS
WITHIN THE CITY OF MARATHON, FLORIDA**

THIS AGREEMENT is entered into on this _____ day of _____, 2003, by and between the Monroe County Board of County Commissioners (the Board) and Ervin Higgs in his official capacity as the Monroe County Property Appraiser (the Property Appraiser) for the Property Appraiser's services collecting the Monroe County Solid Waste Municipal Service Benefit Unit (MSBU) non-ad valorem assessment on residential property pursuant to the Uniform Method of non-ad valorem assessment and collection provided for in Sec. 197.3632, FS.

WHEREAS, on December 18, 2002, the Board, acting as the MSBU governing board, passed a resolution (copy attached) declaring its intent to levy MSBU non-ad valorem assessments on residential property within the City of Marathon (City) for the purpose of collection and disposal of solid waste;

WHEREAS, the City Council consented to such levy in Resolution No. 02-07-90 (copy attached); and

WHEREAS, on August 1, 2002, the Board and the Property Appraiser entered into an Agreement (copy attached) for the Property Appraiser to provide certain services in assisting the Board to levy non-ad valorem assessments under the Uniform Method and for the Board to reimburse the Property Appraiser for those services; now, therefore

IN CONSIDERATION of the mutual promises and consideration set forth below, the parties agree as follows:

1. a) The Property Appraiser agrees to perform the services needed for the levy and collection of the MSBU non-ad valorem assessments on residential property for the collection and disposal of solid waste within the City, according to the terms of the August 1, 2002 Agreement,
- b) The Board agrees to perform the obligations required of it and to reimburse the Property Appraiser for the services described in subparagraph 1(a) according to the terms of the August 1, 2002 agreement.
2. The term of this Agreement shall commence upon the date first above written and shall run through the final certification of the 2003 tax roll and shall automatically be renewed thereafter for successive periods not to exceed one year each. However, the Board shall inform the Property Appraiser and the Department of Revenue by January 10 in any calendar year if the Board intends to discontinue using the Uniform Method of collecting the non-ad valorem assessments referred to in this Agreement. Such notice shall terminate this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals
this _____ day of _____, 2003.

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Mayor/Chairperson

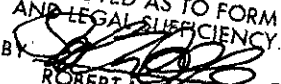
ATTEST:

PROPERTY APPRAISER
OF MONROE COUNTY

By _____

By _____
Ervin Higgs

JconCOM.PA

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY.
BY 
ROBERT N. WOLFE
DATE 3-17-03

**AGREEMENT FOR THE COUNTY OF MONROE BOARD OF COUNTY
COMMISSIONERS,
TO REIMBURSE THE PROPERTY APPRAISER**

This Agreement for the Monroe County Board of County Commissioners, to reimburse the Monroe County Property Appraiser (the "Agreement") is made and entered into as of August 1st, 2002, by and between the Board, and Ervin Higgs, in his capacity as the Monroe County Property Appraiser (the "Property Appraiser").

NOW, THEREFORE, in consideration of the mutual promises, covenants, representations, and agreements contained herein, together with the ten dollars (\$10.00) and other good and valuable consideration exchanged between the parties, the parties to this Agreement do undertake, promise and agree for themselves and their successors as follows:

ARTICLE I

SECTION 1.01 FINDINGS, RECITALS AND ACKNOWLEDGMENTS. It is hereby ascertained, determined and declared by the parties that:

- (A) the Board is authorized to impose non-ad valorem assessments and by appropriate resolution has expressed its intent to use the uniform method of levy, collection and enforcement of non-ad valorem assessments as provided in Section 197.3632, Florida Statutes, under which assessments are included on an assessment roll and certified, in a compatible electronic medium tied to the property identification number, by the Board to the Monroe County Tax Collector for merging with the ad valorem tax roll, for collection by utilizing the tax notice provisions described in Section 197.3635, Florida Statutes, and for sale of tax certificates and tax deeds under the non-payment provisions of the ad valorem tax laws (the "Uniform Method");
- (B) the Uniform Method, with its enforcement provisions including the use of tax sale certificates and tax deeds to collect delinquent annual payments, is less expensive and more equitable to the delinquent landowner than the traditional lien foreclosure methodology;
- (C) the Uniform Method will provide for more efficient collection by virtue of the assessment being on the tax notice issued by the Monroe County Tax Collector and will produce positive economic benefits to the affected landowners and the Board;
- (D) the Uniform Method will promote local government accountability;
- (E) this Agreement is intended to conform with the requirement of Section 197.3632, Florida Statutes, that the Board and the Property Appraiser enter into a written agreement providing for reimbursement of necessary administrative and actual costs incurred as a result of the use of the Uniform Method; such administrative and actual costs include, but are not limited to those costs associated with personnel, forms, supplies, data processing, computer equipment, postage and programming;
- (F) the duties of the Property Appraiser under Section 197.3632, Florida Statutes, are ministerial;

- (G) this Agreement is entered into to allow for the use of the Uniform Method relative to non-ad valorem assessments imposed and levied by the Board starting in 2002; and
- (H) the non-ad valorem assessments to which this Agreement applies are being imposed and levied by the Board for the provision of Solid Waste Collection, and
- (I) the Board shall reserve the right to utilize the notice provisions of Section 200.069, Florida Statutes, as amended (the "Truth in Millage Notice") provided that the Board timely notifies the Property Appraiser of its intention to do so pursuant to Florida Statutes.

SECTION 1.02. INCORPORATION. The findings, recitals and acknowledgments contained herein are true, correct and incorporated in this Agreement.

ARTICLE II

SECTION 2.01. PURPOSE. The purpose of this Agreement is for the Board and the Property Appraiser to establish and agree upon the undertaking of the responsibilities pursuant to Section 197.3632, Florida Statutes, in order for the Board to implement the Uniform Method for the notice, levy, collection, and enforcement of non-ad valorem assessments; and to provide for reimbursement by the Board to the Property Appraiser for all necessary administrative and actual costs incurred by them in such activity.

ARTICLE III

SECTION 3.01. COMPLIANCE WITH LAWS AND REGULATIONS. The parties shall abide by all statutes, rules and regulations pertaining to the levy and collection of non-ad valorem assessments, and any ordinance promulgated by the Board, not inconsistent with or contrary to the provisions of Sections 197.3632 and 197.3635, Florida Statutes, as amended, and any applicable rules duly promulgated by the Department of Revenue.

ARTICLE IV

SECTION 4.01. DUTIES AND RESPONSIBILITIES OF THE BOARD. The Board shall:

- (A) be solely responsible for imposing and levying valid non-ad valorem assessments;
- (B) reimburse the Property Appraiser for all necessary administrative and actual collection costs incurred by the Property Appraiser in providing the information and cooperation more particularly referenced in Section 4.02 hereof;
- (C) make all reimbursement or payment to the Property Appraiser hereunder in accordance with the Florida Prompt Payment Act, Chapter 278, Part VII, Florida Statutes, or its successor in function;
- (D) post the non-ad valorem assessment for each parcel on the non-ad valorem assessment roll on a manner that such non-ad valorem assessment roll is free of errors and omissions;
- (E) cause the Mayor of Board or his or her designee to certify by September 15 of each calendar year to the Monroe County Tax collector the non-ad valorem assessment

roll on compatible medium tied to the property parcel identification number in a manner that conforms to the format of the ad valorem tax roll submitted by the Property Appraiser to the Department of Revenue;

- (F) designate and authorize a person other than the Property Appraiser to receive and process any request for changes, modifications or corrections to the subject non-ad valorem roll and, if necessary, file with the Monroe County Tax Collector an appropriate certificate of correction; and
- (G) cooperate with the Property Appraiser to implement the Uniform Method of notice, levy, collection and enforcement of each of the subject non-ad valorem assessment roll, pursuant to and consistent with all provisions of Chapter 197, specifically Sections 197.3632 and 197.3635, Florida Statutes, as amended.

SECTION 4.02. DUTIES AND RESPONSIBILITIES OF THE PROPERTY APPRAISER.

The Property Appraiser shall:

- (A) annually by June 1 provide the Board with at least the following information by compatible electronic medium: (1) the legal description of the property within the boundaries described in the Board Resolution of Intent; (2) the names and addresses of the owners of such property; (3) the property identification number of each parcel in a manner that conforms to the format of the ad valorem roll submitted to the Department of Revenue, and (4) any other information reasonably needed by the Board to create, re-compute, re-configure, revise, correct or otherwise formulate the non-ad valorem assessment rolls as may be agreed to by the Property Appraiser;
- (B) although the Property Appraiser is not required by law to submit information other than items (1), (2) and (3) in paragraph (A) of this section, the Property Appraiser shall make reasonable efforts to assist and accommodate the Board's creation of a non-ad valorem assessment roll;
- (C) cooperate with the Board and the Monroe County Tax Collector to implement the Uniform Method of notice, levy collection and enforcement of each of the subject non-ad valorem assessment rolls, pursuant to and consistent with all provisions of Chapter 197, specifically Sections 197.3632 and 197.3635, Florida Statutes, as amended; and
- (D) provide the Board with a written itemized statement of any necessary administrative and actual costs incurred by the Property Appraiser for which reimbursement is sought.

ARTICLE V

SECTION 5.01. TERM. The term of this Agreement shall commence upon the date first above written and shall run through the final certification of the 2002 tax roll and shall automatically be renewed thereafter for successive periods not to exceed one year each. However, the Board shall inform the Property Appraiser and the Department of Revenue by January 10 in any calendar year if the Board intends to discontinue using the Uniform Method of collecting the non-ad valorem assessments referred to in this Agreement. Such notice shall terminate this Agreement.

IN WITNESS WHEREOF, the Board and the Property Appraiser Delivered this Agreement as of the date first above written.



Attest: DANNY L. KOLHAGE, CLERK

By: Jamela Hancock
Deputy Clerk

Sharon Gonzales
Witness

Jennise Knowles
Witness

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: [Signature]
Mayor/Chairman

MONROE COUNTY PROPERTY APPRAISER

By: [Signature]

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY: [Signature]
SUZANNE A. HUTTON
DATE: 8/02/02

RESOLUTION NO. 593 -2002

A RESOLUTION STATING THE INTENT OF THE MONROE COUNTY SOLID WASTE MUNICIPAL SERVICES BENEFIT UNIT TO LEVY AND COLLECT THROUGH THE UNIFORM NON-AD VALOREM ASSESSMENT PROCEDURE OF SEC. 197.3632, FS, ASSESSMENTS ON RESIDENTIAL REAL PROPERTY WITHIN THE CITY OF MARATHON FOR THE PURPOSE OF COLLECTING AND DISPOSING OF RESIDENTIAL SOLID WASTE.

BE IT RESOLVED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS :

Section 1. The Board of County Commissioners, acting as the Governing Board of the Monroe County Solid Waste Municipal Service Benefit Unit, hereby determines that the most efficient and economical method of collecting revenue within the City of Marathon to fund the collection and disposal of residential solid waste is to utilize the uniform non-ad valorem assessment method of Sec. 197.3632, FS and that the City of Marathon City Council in City Resolution No. 02-07-90 has consented to the levy of uniform non-ad valorem assessments for residential solid waste collection and disposal and inclusion within the Benefit Unit. The Board further determines that a sufficient need exists to levy and collect non-ad valorem assessments on residential real property within the City of Marathon for the collection and disposal of residential solid waste.

Section 2. The Board hereby states its intent to use the uniform non-ad valorem assessment method of Sec. 197.3632, FS, within the City of Marathon City for residential real property located within the City of Marathon, commencing in fiscal year 2003-2004 and continuing from fiscal year to fiscal year until terminated by the Board.

Section 3. The purpose of uniform non-ad valorem assessment to be levied within the City of Marathon is to fund the collection and disposal of solid waste generated by residential real property within the City of Marathon.

Section 4. The area to be subject to the uniform non-ad valorem assessment on residential real property for the collection and disposal of residential solid waste is the City of Marathon.

Section 5. The Clerk is hereby directed to send by certified U.S. Mail certified copies of this resolution, together with copies of the published notice and proof of publication on DOR For DR-413, to the Monroe County Property Appraiser, Monroe County Tax Collector, and the Florida Department of Revenue, before December 31, 2002.

PASSED AND ADOPTED by the Board , at a regular meeting of said Governing Board of the Monroe County Solid Waste Municipal Services Benefit Unit held on the 18th day of December 2002.



DANNY L. KOLHAGE, Clerk

By

D. C. DeSantis
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By

Wesley M. Spivey
Mayor/Chairperson

JdTDCOMMSBU

FILED FOR RECORD

2003 FEB 10 PM 3:28

DANNY L. KOLHAGE
CLK. CIR. CL.
MONROE COUNTY, FLA.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY.

Robert N. Wolfe
ROBERT N. WOLFE
DATE 12-6-02